

CAROL A. SOBEL SBN 84483
COLLEEN M. MULLEN SBN 299059
JUSTINE SCHNEEWEIS SBN 305672
JOHN P. GIVEN SBN 269787
LAW OFFICE OF CAROL A. SOBEL
3110 Main Street, Suite 210
Santa Monica, California 90405
t. 310 393-3055 f. 310 399-1854
e. carolsobel@aol.com
e. mullen.colleen1@gmail.com
e. Justine.schneeweis@gmail.com
e. john@johngiven.com

FERNANDO GAYTAN SBN 224712
SHAYLA R. MYERS SBN 264054
LEGAL AID FOUNDATION OF LOS ANGELES
7000 S. Broadway
Los Angeles, California 90003
t. 213 640-3983 f. 213 640-3988
e. smyers@lafla.org
Attorneys for Plaintiff CANGRESS

(ADDITIONAL COUNSEL ON NEXT PAGE)

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

CARL MITCHELL, et al.,

PLAINTIFFS,

v.

CITY OF LOS ANGELES, et al.,

DEFENDANTS.

Case No.: 16-cv-01750 SJO (JPR)

OBJECTIONS TO DEFENDANTS'
EVIDENCE

Date: None
Time: None
Ctrm: 1

Action Filed March 14, 2016

1 PAUL L. HOFFMAN SBN 071244
2 CATHERINE SWEETSER SBN 271142
3 SCHONBRUN SEPLOW HARRIS &
4 HOFFMAN LLP
5 723 Ocean Front Walk
6 Venice, California 90291
7 t. 310 396-0731 f. 399-7040
8 e. hoffpaul@aol.com
9 e. catherine.sdshhh@gmail.com

10 ATTORNEYS FOR PLAINTIFFS
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Plaintiffs hereby object to the following evidence presented by Defendants in connection with their Opposition to Plaintiffs' Ex Parte Application for a Temporary Restraining Order.

OBJECTIONS TO MATHES DECLARATION

	Objections to Mathes Declaration	Ruling
1	<p>Material Objected to: Mathes Decl. ¶ 3.</p> <p>Statements about the legal implications of the settlement reached in <i>Jones v. City of Los Angeles</i>, and its supposed codification in the Los Angeles Municipal Codes.</p> <p>Grounds for Objection: Fed. R. Evid. 701, 702 (improper lay opinion)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
2	<p>Material Objected to: Mathes Decl. ¶ 4:1-4.</p> <p>Statements made about general tendencies of the "homeless in Skid Row" and general observations of "nature of living on the street."</p> <p>Grounds for Objection: Fed. R. Evid. 602 (lacks foundation, speculation, lacks personal knowledge), Fed. R. Evid. 701, 702 (improper lay opinion)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
4	<p>Material Objected to: Mathes Decl. ¶ 5</p> <p>Any additional photographs or statements alluded to in Reset's Twitter feed.</p> <p>Grounds for Objection: Fed. R. Evid. 402 (irrelevant). A bare assertion that Mathes "maintain[s] the feed" is insufficient to authenticate every single photo and statement made, copied, and re-tweeted in the account. Fed. R. Evid. 901</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

1 2 3 4 5 6 7 8 9 10	5	<p>Material Objected to: Mathes Decl. ¶ 6, lines 18-19.</p> <p>Statement regarding “an amount of material which may provide rodents a place to hide.”</p> <p>Grounds for Objection: Mathes is not an expert on rodents, and cannot offer his opinion on the type of environments that would best foster a rodent infestation. Fed. R. Evid. 701, 702. There is also no evidence to suggest Mathes saw a rodent hiding in the property. 602 (lacks foundation, speculation, lack of personal knowledge).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
11 12 13 14 15 16 17	6	<p>Material Objected to: Mathes Decl. ¶ 7, lines 20-23 (emphasis added).</p> <p>Statement that Mathes observed “Americans with Disabilities Act violations” that “could block sidewalk access.”</p> <p>Grounds for Objection: Fed. R. Evid. 701, 702 (improper lay opinion and legal conclusion).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
18 19 20 21 22 23 24 25 26 27 28	7	<p>Material Objected to: Mathes Decl. ¶ 7, lines 10-14.</p> <p>Statement regarding the scientific training of the WPIs.</p> <p>Grounds for Objection: Mathes “developed a joint partnership” with a division within the Bureau of Sanitation, but there is nothing to suggest Mathes develops, participates in, or has any knowledge of the trainings of employees in a separate city agency. Fed. R. Evid. 602 (speculation, lack of personal knowledge, lacks foundation).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

1 2 3 4 5 6 7 8 9	8	<p>Material Objected to: Mathes Decl. ¶ 8, lines 22-24.</p> <p>“Mr. Escobedo is an example of this procedure, and contrary to his declaration, he did actually remove his property before the cleaning.”</p> <p>Grounds for Objection: Mischaracterizes the evidence contained in the video attached as Exhibit E. Mr. Escobedo removes some, but far from all of his property.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
10 11 12 13 14 15 16 17	9	<p>Material Objected to: Mathes Decl. ¶ 8, 3:28–4:1.</p> <p>Statement regarding the supposed harm to persons if exposed to the spray used by the Bureau of Sanitation.</p> <p>Grounds for Objection: Fed. R. Evid. 402 (irrelevant). Mathes is not a doctor, and cannot purport to know the health impact of a spray utilized by Bureau of Sanitation. Fed. R. Evid. 701, 702 (improper lay opinion).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
18 19 20 21 22 23 24 25 26 27 28	10	<p>Material Objected to: Mathes Decl. ¶ 11, lines 1-16.</p> <p>Statements made about the circumstances surrounding Mr. Escobedo’s arrest that Mathes did not personally witness.</p> <p>Grounds for Objection: Mathes claims to only have been present on the scene sometime “after the video . . . [to] check in on the operation.” Mathes Decl. ¶ 11, lines 16-17. Mathes also never establishes the record keeping protocols of body-cam footage of the officers. Any statements made by Mathes then about events he did not witness lack foundation</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

1		and are based on unauthenticated documents.	
2		Fed. R. Evid. 602 (lacks personal knowledge,	
3		calls for speculation, lacks foundation); Fed. R.	
4		Evid. 901 (improperly authenticated video).	
5	11	Material Objected to: Mathes Decl. ¶ 11, line 5.	Sustained: _____
6		“[O]fficers have awakened Mr. Escobedo.”	Overruled: _____
7		Grounds for Objection: The video depicts	
8		Mr. Escobedo coming out of his tent. There is	
9		no way to know if Mr. Escobedo was actually	
10		sleeping in the tent. Mischaracterizes the	
11		evidence. Fed. R. Evid. 602 (lacks personal	
12		knowledge, calls for speculation, lacks	
13		foundation).	
14	12	Material Objected to: Mathes Decl. ¶ 11,	Sustained: _____
15		lines 8-9.	Overruled: _____
16		“He is finished by minute 17:30 on the video.”	
17		Grounds for Objection: Mischaracterizes the	
18		Evidence. Mr. Escobedo is continuing to clean	
19		up his property, folding up a tarp well beyond	
20		minute 17:30. He is only stopped from doing	
21		so at around minute 19:56, because the officer	
22		orders Mr. Escobedo to approach and hands	
23		him a citation. The video ends before we see	
24		whether or not Mr. Escobedo continued to	
25		pack up his belongings.	
26	13	Material Objected to: Mathes Decl. ¶ 11,	Sustained: _____
27		lines 10-11.	Overruled: _____
28		Statement quoting Mr. Escobedo as saying:	
		“We told her about the signs that’s posted	
		here.”	
		Grounds for Objection: Fed. R. Evid. 801,	
		802, 805 (to the extent this statement reflects	

1		statements made by any one other than Mr. Escobedo, the statement is inadmissible hearsay)	
2			
3	14	Material Objected to: Mathes Decl. ¶ 11, lines 14-15.	Sustained: _____ Overruled: _____
4		“All of this occurs before the tape goes up and the street cleaning begins at 8:15 a.m.”	
5		Grounds for Objection: The video does not depict the start of the street cleaning, and Mathes explicitly states that he was not present until later. Fed. R. Evid. 602 (lacks personal knowledge, calls for speculation, lacks foundation).	
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12	15	Material Objected to: Mathes Decl. ¶ 11, lines 15-16.	Sustained: _____ Overruled: _____
13		“At no point is Mr. Escobedo’s tent or any other belonging taken away.”	
14		Grounds for Objection: Mathes explicitly states that he was not present throughout the entire cleaning. Fed. R. Evid. 602 (lacks personal knowledge, calls for speculation, lacks foundation).	
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19			
20	16	Material Objected to: Mathes Decl. ¶ 11, 19-20.	Sustained: _____ Overruled: _____
21		Statements made about Mr. Escobedo’s “good spirits.”	
22		Grounds for Objection: Fed. R. Evid. 602 (lacks personal knowledge, calls for speculation, lacks foundation).	
23			
24			
25			
26	17	Material Objected to: Mathes Decl. ¶ 13, lines 28-29.	Sustained: _____ Overruled: _____
27		Statement that Mr. Roque is seen in the video	
28			

1	moving back and forth “in the area that	
2	constitutes his property” is inadmissible	
3	because the area that supposedly constitutes	
4	Mr. Roque’s property is speculation, lacks	
5	personal knowledge, and lacks foundation.	
6	Grounds for Objection: Fed. R. Evid. 602	
7	(speculation, lack of foundation, lack of	
8	personal knowledge).	
9	18 Material Objected to: Mathes Decl. ¶ 13, next	Sustained: _____
10	page, lines 1-3.	Overruled: _____
11	Statements about the area from the white tarp	
12	to the pallet constituting the dividing line	
13	between Mr. Roque’s property and his	
14	neighbors is speculation, lacks personal	
15	knowledge, and lacks foundation.	
16	Grounds for Objection: Fed. R. Evid. 602	
17	(speculation, lack of foundation, lack of	
18	personal knowledge).	
19	19 Material Objected to: Mathes Decl. ¶ 13, next	Sustained: _____
20	page, lines 7-9.	Overruled: _____
21	Statement that the officers “discuss the area of	
22	property from the beginning of the tarp to the	
23	pallet belongs to him” misstates the evidence.	
24	Officer Primo says, “Everything from that grey	
25	wall over to the white.” They do not state that	
26	everything “from the beginning of the tarp to	
27	the pallet” belongs to Mr. Roque.	
28	Grounds for Objection: Lt. Mathes	
	mischaracterizes the evidence.	
	20 Material Objected to: Mathes Decl. ¶ 13, next	Sustained: _____
	page, lines 14-15.	Overruled: _____
	Statement about the property being “used as a	
	dividing line” between Mr. Roque’s property	

1		and his neighbors' is speculation, lacks personal knowledge, and lacks foundation.	
2			
3		Grounds for Objection: Fed. R. Evid. 602	
4		(speculation, lack of foundation, lack of personal knowledge).	
5			
6	21	Material Objected to: Mathes Decl. ¶ 13, next page, lines 15-16.	Sustained: _____
7		The statement about the size of Mr. Roque's property area is speculation, lacks personal knowledge, and lacks foundation.	Overruled: _____
8			
9			
10		Grounds for Objection: Fed. R. Evid. 602	
11		(speculation, lack of foundation, lack of personal knowledge).	
12			
13	22	Material Objected to: Mathes Decl. ¶ 13, next page, lines 15-17.	Sustained: _____
14		The statement that "the size of Mr. Roque's property area, and the fact that his tarp covers material that he says in his declaration was not his," is inadmissible.	Overruled: _____
15			
16			
17			
18		Grounds for Objection: Misstates the evidence. It misstates the evidence to say what Mr. Roque said does or does not belong to him based on the video in Exhibit G. The property Mr. Roque identified in his declaration as belonging to him was based on photographs in Exhibit 6a-f to the Declaration of Eric Ares, which were taken at a later time after the police had left and sanitation workers had already begun going through the property area.	
19			
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26	23	Material Objected to: Mathes Decl. ¶ 15, 29-1.	Sustained: _____
27		Referencing Mr. Roque's declaration, "Mr.	Overruled: _____
28			

1		Roque stated in his declaration that only his	
2		“tent and a folded blue tarp” were his	
3		property.”	
4		Grounds for Objection: Mischaracterizes the	
5		evidence. The quote taken from Mr. Roque’s	
6		declaration is only in reference to photographs	
7		attached as exhibits to Mr. Ares’s Declaration.	
8		Of all the items depicted in those specific	
9		photographs, only a tarp and a tent belonged to	
10		Mr. Roque. Mr. Roque specifically mentions	
11		owning additional items stored in “three	
12		backpacks and a few plastic trash bags.” Roque	
13		Decl. ¶ 10, line 9.	
14	24	Material Objected to: Mathes Decl. ¶ 15.	Sustained: _____
15		See Plaintiff’s application to strike, filed under	Overruled: _____
16		seal, for a description of this video’s personal	
17		and confidential information concerning Mr.	
18		Roque.	
19		Grounds for Objection: The officers arrested	
20		Mr. Roque for having failed to appear on a	
21		previous § 41.18(d) citation. This is the arrest	
22		referenced in Plaintiffs’ Complaint, and forms	
23		the basis for Mr. Roque’s claims. No other	
24		crimes, allegedly committed, are relevant to	
25		Plaintiffs’ claims. Fed. R. Evid. 402	
26		(irrelevant), Fed. R. Evid. 403 (unfairly	
27		prejudicial), Fed. R. Evid. 404 (improper	
28		character evidence). Mathes has not established	
		he was present during this discussion and has	
		not established record-keeping protocols of	
		body-cam footage. Thus, these statements lack	
		foundation. Fed. R. Evid. 602 (lack of personal	
		knowledge, speculation, lack foundation).	
	25	Material Objected to: Mathes Decl. ¶ 17.	Sustained: _____

1		Quotes from and statements attributed to Carol Sobel.	Overruled: _____
2			
3		Grounds for Objection: Fed. R. Evid. 801,	
4		802 (inadmissible hearsay).	
5	26	Material Objected to: Mathes Decl. ¶ 19.	Sustained: _____
6		Statements regarding the arrest of Mr. Mitchell	Overruled: _____
7		based on the pictures and findings of a report	
8		by the Bureau of Sanitation.	
9		Grounds for Objection: Mathes has not	
10		established he was present at the time of Mr.	
11		Mitchell's arrest. Fed. R. Evid. 801, 802	
12		(inadmissible hearsay). Fed. R. Evid. 602	
13		(lacks personal knowledge, calls for	
14		speculation, lacks foundation).	
15	27	Material Objected to: Mathes Decl. ¶ 21,	Sustained: _____
16		lines 21-23.	Overruled: _____
17		Statements referencing notes, photos, and	
18		findings contained in a Bureau of Sanitation	
19		report.	
20		Grounds for Objection: Fed. R. Evid. 801,	
21		802 (inadmissible hearsay). Fed. R. Evid. 602	
22		(lacks personal knowledge, calls for	
23		speculation, lacks foundation).	
24	28	Material Objected to: Mathes Decl. ¶ 21.	Sustained: _____
25		Statements regarding what exactly constituted	Overruled: _____
26		Ms. Coleman's property.	
27		Grounds for Objection: Fed. R. Evid. 602	
28		(lacks personal knowledge, calls for	
		speculation, lacks foundation).	
	29	Material Objected to: Mathes Decl. ¶ 21,	Sustained: _____
		lines 6-9.	Overruled: _____

1	References to other “separate investigations”	
2	by LAPD of Judy Coleman.	
3	Grounds for Objection: Fed. R. Evid. 402	
4	(irrelevant), Fed. R. Evid. 403 (unfairly	
5	prejudicial), Fed. R. Evid. 404 (impermissible	
6	character evidence).	
7	30 Material Objected to: Mathes Decl. ¶ 22,	Sustained: _____
8	lines 13-14, 17-18.	Overruled: _____
9	Statements regarding Ms. Coleman’s physical	
10	health and emotional well-being.	
11	Grounds for Objection: Fed. R. Evid. 602	
12	(lacks personal knowledge, calls for	
13	speculation, lacks foundation). Fed. R. Evid.	
14	701, 702 (improper lay opinion).	
15	31 Material Objected to: Mathes Decl. ¶ 23,	Sustained: _____
16	lines 26-27.	Overruled: _____
17	Statements concerning Coleman advising	
18	Mathes about illegal activity on Towne	
19	Avenue.	
20	Grounds for Objection: Fed. R. Evid. 402	
21	(irrelevant). Fed. R. Evid. 403 (unfairly	
22	prejudicial).	
23	32 Material Objected to: Mathes Decl. ¶ 23, 2-5.	Sustained: _____
24	Statement’s concerning Ms. Coleman’s	Overruled: _____
25	physical health or mental state.	
26	Grounds for Objection: Fed. R. Evid. 602	
27	(lacks personal knowledge, calls for	
28	speculation, lacks foundation). Fed. R. Evid.	
	701, 702 (improper lay opinion).	

OBJECTIONS TO EXHIBIT A

	Objections to Exhibit A	Ruling
1	<p>Material Objected to: Mathes Decl. ¶ 4, lines 4-9.</p> <p>Statements about Exhibit A to Mathes' Declaration, photographs of "waste, maggots, and other materials encountered during RESET's involvement in street-cleaning operations" over the past three months.</p> <p>Grounds for Objection: The graphic images of waste and debris are not, in any way, associated with Plaintiffs. There is nothing to suggest the waste belonged to Plaintiffs or was even in the vicinity of Plaintiffs' belongings. Fed. R. Evid. 402 (irrelevant); Fed. R. Evid. 403 (unfairly prejudicial).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO EXHIBIT B

	Objections to Exhibit B	Ruling
1	<p>Material Objected to: Exhibit B to Mathes' Declaration, referenced at Mathes Decl. ¶ 6, lines 14-17.</p> <p>Images depicting "maggots around a dead animal" that was seen "across the street" from Judy Coleman's encampment.</p> <p>Grounds for Objection: Fed. R. Evid. 402 (irrelevant). Fed. R. Evid. 403 (unfairly prejudicial). The video is shot across the street from Plaintiff Coleman's belongings, and therefore is not related to Ms. Coleman's property in any way. There is no evidence suggesting this animal across the street from Judy Coleman's property posed a health and</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

safety hazard that justified the taking of her property.

OBJECTIONS TO EXHIBIT C

	Objections to Exhibit C	Ruling
1	<p>Material Objected to: Exhibit C to Mathes' Declaration, referenced at Mathes Decl. ¶ 6, lines 17-19.</p> <p>A photograph of "an amount of material which may provide rodents a place to hide."</p> <p>Grounds for Objection: The picture only depicts an "amount of material;" there is no evidence to suggest that this material belongs to Judy Coleman. Fed. R. Evid. 402 (irrelevant). Fed. R. Evid. 403 (unfairly prejudicial). Fed. R. Evid. 602 (lacks personal knowledge, calls for speculation, lacks foundation). Fed. R. Evid. 701, 702 (improper lay opinion).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO EXHIBIT E

	Objections to Exhibit E	Ruling
1	<p>Material Objected to: Exhibit E attached to Mathes's Declaration, referenced at Mathes Decl. ¶ 11.</p> <p>Grounds for Objection: Mathes claims to only have been present on the scene sometime "after the video . . . [to] check in on the operation." Mathes Decl. ¶ 11, lines 16-17. Mathes also never establishes the record</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

1	keeping protocols of body-cam footage of the	
2	officers. Fed. R. Evid. 602 (lacks personal	
3	knowledge, calls for speculation, lacks	
4	foundation). Fed. R. Evid. 901 (improperly	
5	authenticated video); <i>see United States v.</i>	
6	<i>Clayton</i> , 643 F.2d 1071, 1074 (5th Cir.1981)	
7	(“A witness qualifying a photograph” must be	
8	able to “identif[y] the object depicted and	
9	testif[y]that the photograph fairly and correctly	
10	represents it.”); <i>Saturn Manufacturing, Inc. v.</i>	
11	<i>Williams Patent Crusher and Pulverizer</i>	
12	<i>Company</i> , 713 F.2d 1347, 1357 (8th Cir. 1983)	
13	(holding that videos are authenticated in the	
14	same manner as a still photograph).	
15	2 Material Objected To: Minutes 8:40 – 9:25 of	Sustained: _____
16	video attached as Exhibit E.	Overruled: _____
17	Video shows Officer Schmidt asking Mr.	
18	Escobedo personal questions including his cell	
19	phone number, social security number, prior	
20	gang affiliation, and place of birth.	
21	Grounds for Objection: Fed. R. Evid. 402	
22	(irrelevant). Fed. R. Evid. 403 (unfairly	
23	prejudicial)., Fed. R. Evid. 404 (improper	
24	character evidence)	

OBJECTIONS TO EXHIBIT F

	Objections to Exhibit F	Ruling
1	Material Objected to: Exhibit F to Mathis Declaration, referenced at Mathes Decl. ¶ 13; ¶ 14; and ¶ 17, line 25.	Sustained: _____
	Video from Officer Schmidit, depicting the arrest of Mr. Roque.	Overruled: _____

1		Grounds for Objection: Lacks foundation. Lieutenant Mathes purports to attach and authenticate this video, but he was not present at the scene and cannot vouch for its accuracy. Fed. R. Evid. 602 (lacks personal knowledge, calls for speculation, lacks foundation). Fed. R. Evid. 901 (improperly authenticated video); <i>see United States v. Clayton</i> , 643 F.2d 1071, 1074 (5th Cir.1981) (“A witness qualifying a photograph” must be able to “identif[y] the object depicted and testif[y] that the photograph fairly and correctly represents it.”); <i>Saturn Manufacturing, Inc. v. Williams Patent Crusher and Pulverizer Company</i> , 713 F.2d 1347, 1357 (8th Cir. 1983) (holding that videos are authenticated in the same manner as a still photograph).	
2	2	Material Objected to: Exhibit F to Mathis Declaration, Minutes 3:14-3:15 Officer asks Mr. Roque if he has been arrested before, and Mr. Roque replies, “Of course.” Grounds for Objection: Evidence of prior arrests is inadmissible evidence of prior acts. Fed. R. Evid. 404. It is also irrelevant and unfairly prejudicial. Fed. R. Evid. 402 (irrelevant); Fed. R. Evid. 403 (unfairly prejudicial).	Sustained: _____ Overruled: _____

OBJECTIONS TO EXHIBIT G

	Objections to Exhibit G	Ruling
1	Material Objected to: Exhibit G to Mathis Declaration, referenced at Mathes Decl. ¶ 13; ¶ 14; and ¶ 17, line 25.	Sustained: _____ Overruled: _____

1		
2	Video from Officer Primo, depicting the arrest of Mr. Roque.	
3		
4	Grounds for Objection: Lacks foundation.	
5	Lieutenant Mathes purports to attach and authenticate	
6	this video, but he was not present at the scene and	
7	cannot vouch for its accuracy. Fed. R. Evid. 602	
8	(speculation, lack of foundation, lack of personal	
9	knowledge). Fed. R. Evid. 901 (improperly	
10	authenticated video); <i>see United States v. Clayton</i> ,	
11	643 F.2d 1071, 1074 (5th Cir.1981) (“A witness	
12	qualifying a photograph” must be able to “identif[y]	
13	the object depicted and testif[y] that the photograph	
14	fairly and correctly represents it.”); <i>Saturn</i>	
15	<i>Manufacturing, Inc. v. Williams Patent Crusher and</i>	
16	<i>Pulverizer Company</i> , 713 F.2d 1347, 1357 (8th Cir.	
17	1983) (holding that videos are authenticated in the	
18	same manner as a still photograph).	
19		
20	2 Material Objected to: Exhibit G to Mathis	Sustained: _____
21	Declaration, Minutes 8:43-8:52.	Overruled: _____
22	Officer Primo’s question if Mr. Roque has ever been	
23	arrested for certain crimes, to which Mr. Roque	
24	affirmatively responds.	
25	Grounds for Objection: Evidence of prior arrests is	
26	inadmissible evidence of prior acts. Fed. R. Evid. 404	
27	(prior bad acts). It is also irrelevant and unfairly	
28	prejudicial. Fed. R. Evid. 402 (irrelevant); Fed. R.	
	Evid. 403 (unfairly prejudicial).	
	3 Material Objected to: Exhibit G to Mathis	Sustained: _____
	Declaration, Minutes 11:31-12:43.	Overruled: _____
	Officer Primo’s questions about what Mr. Roque had	
	previously been arrested for, Mr. Roque’s responses	
	to the question, and Officer Primo’s questions and Mr.	
	Roque’s answers about individuals he used to	

associate with.

Grounds for Objection: Inadmissible evidence of prior acts. Fed. R. Evid. 404 (prior bad acts). It is also irrelevant and unfairly prejudicial. Fed. R. Evid. 402 (irrelevant); Fed. R. Evid. 403 (unfairly prejudicial).

OBJECTIONS TO EXHIBIT H

	Objections to Exhibit H	Ruling
1	<p>Material Objected to: Exhibit H attached to Mathes's Declaration, referenced at Mathes Decl. ¶ 15.</p> <p>See Plaintiff's application to strike, filed under seal, for a description of this video's personal and confidential information concerning Mr. Roque.</p> <p>Grounds for Objection: Fed. R. Evid. 402 (irrelevant). Fed. R. Evid. 403 (unfairly prejudicial). Fed. R. Evid. 404 (improper character evidence). Mathes has also not established he was present during this discussion and has not established record-keeping protocols of body-cam footage. Thus, the video lacks foundation and is improperly authenticated. Fed. R. Evid. 602 (lack of personal knowledge, speculation, lack foundation); Fed. R. Evid. 901(improperly authenticated video); <i>see United States v. Clayton</i>, 643 F.2d 1071, 1074 (5th Cir.1981) ("A witness qualifying a photograph" must be able to "identif[y] the object depicted and testif[y]that the photograph fairly and correctly represents it."); <i>Saturn Manufacturing, Inc. v. Williams Patent Crusher and Pulverizer</i></p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

Company, 713 F.2d 1347, 1357 (8th Cir. 1983) (holding that videos are authenticated in the same manner as a still photograph).

OBJECTIONS TO EXHIBIT J

	Objections to Exhibit J	Ruling
1	<p>Material Objected to: Exhibit J attached to Mathes's Declaration, referenced at Mathes Decl. ¶ 21, lines 4-9.</p> <p>Video supposedly contains images of Ms. Coleman's property, shopping carts, TV, and power pole.</p> <p>Grounds for Objection: Fed. R. Evid. 402 (the pictures of power lines, and allegations concerning stolen electricity, are irrelevant to Plaintiffs' claims); Fed. R. Evid. 403 (unfairly prejudicial). Mathes has not established how he knew the property belonged to Ms. Colman. Fed. R. Evid. 602 (lacks personal knowledge, calls for speculation, lacks foundation).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO EXHIBIT L

	Objections to Exhibit L	Ruling
1	<p>Material Objected to: Exhibit L to Mathes's declaration, referenced at Mathes Decl. ¶ 23, lines 26-27.</p> <p>Video showing Ms. Coleman advising Mathes about illegal activity on Towne Avenue.</p> <p>Grounds for Objection: Fed. R. Evid. 402</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

(irrelevant). Fed. R. Evid. 403 (unfairly prejudicial)

OBJECTIONS TO PEDERSON DECLARATION

	Objections to Pederson Declaration	Ruling
1	<p>Material Objected to: Pederson Decl. ¶ 3, lines 14-15.</p> <p>The statement, “The goal of Operation Healthy Streets is to provide a safe and healthy public right-of-way for all workers, residents, and members of the public in the area of Downtown Los Angeles known as Skid Row” is inadmissible.</p> <p>Grounds for Objection: Fed. R. Evid. 602 (speculation, lack of foundation, lack of personal knowledge).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
2	<p>Material Objected to: Pederson Decl. ¶ 4, lines 26-28.</p> <p>Statement that: “Postings notifying the public and interested parties of the pending comprehensive cleanings are placed in conspicuous locations on the streets 72 hours in advance of the cleaning events” is inadmissible.</p> <p>Grounds for Objection: Fed. R. Evid. 602 (speculation, lack of foundation, lack of personal knowledge).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
3	<p>Material Objected to: Pederson Decl. ¶ 4, continued to next page, lines 1-9.</p> <p>Statements about what occurs on scheduled comprehensive cleaning days are inadmissible.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

	Grounds for Objection: Fed. R. Evid. 602 (speculation, lack of foundation, lack of personal knowledge).	
4	Material Objected to: Pederson Decl. ¶ 5, lines 16-26. Statements about rodents being “frequently” found during OHS cleanings; the potential health effects of rodents; the presence and potential effects of human waste excretions; scabies; mites “frequently” being present at homeless encampments, and the potential health effects; and the presence and potential health effects of discarded hypodermic needles and other sharps are all inadmissible. Grounds for Objection: Fed. R. Evid. 602 (speculation, lack of foundation, lack of personal knowledge); Fed. R. Evid. 701 (improper lay opinion). It is also irrelevant and unfairly prejudicial to Plaintiffs’ claims. Fed. R. Evid. 402 (irrelevant); Fed. R. Evid. 403 (unfairly prejudicial).	Sustained: _____ Overruled: _____
5	Material Objected to: Pederson Decl. ¶ 8, lines 21-23. Use of “infrequently” to characterize when the Watershed Protection Division may schedule cleanings in the Skid Row area apart from spot or comprehensive cleanings is inadmissible. Grounds for Objection: Fed. R. Evid. 602 (speculation, lack of foundation, lack of personal knowledge).	Sustained: _____ Overruled: _____
6	Material Objected to: Pederson Decl. ¶ 8, lines 23-27. Statements about a 24-hour notice being	Sustained: _____ Overruled: _____

1		posted, post-removal notice, and property being stored for 90 days, are inadmissible.	
2			
3		Grounds for Objection: Fed. R. Evid. 602	
4		(speculation, lack of foundation, lack of	
5		personal knowledge).	
6	7	Material Objected to: Pederson Decl. ¶ 9, line 29, continued to next page, line 1.	Sustained: _____
7		The statement, “In the last four years, there	Overruled: _____
8		have been an estimated fewer than five such	
9		non-Operation Healthy Streets scheduled	
10		cleanings (non-LAPD led operation) in the	
11		Skid Row Area” is inadmissible.	
12		Grounds for Objection: Fed. R. Evid. 602	
13		(speculation, lack of foundation, lack of	
14	8	Material Objected to: Pederson Decl. ¶ 13, lines 25-29.	Sustained: _____
15		Statements about materials believed to have	Overruled: _____
16		come into contact with biohazardous or	
17		infectious agents, and statement about blankets	
18		being contaminated, are inadmissible.	
19		Grounds for Objection: The photos included	
20		with the exhibit only show rat feces on the	
21		ground. The Health Hazard Checklist says	
22		“Rat feces on encampment,” but lower on the	
23		page, it only says there was rat feces on the	
24		sidewalk. It does not say that there was rat	
25		feces on the discarded pillow, blankets, or	
26		suitcase filled with contaminated clothing, and	
27		does not say what the clothing is contaminated	
28		with. Fed. R. Evid. 602 (speculation, lack of	
		foundation, lack of personal knowledge).	
	9	Material Objected to: Pederson Decl. ¶ 14, lines 5-7.	Sustained: _____

1		Statements about urine and feces bring in the encampment area and soiled and infested beddings accordingly being discarded are inadmissible.	Overruled: _____
2		Grounds for Objection: Fed. R. Evid. 602 (speculation, lack of foundation, lack of personal knowledge). The assertion that there was urine and feces “in the area” does not give proper foundation to the statement that beddings were soiled and infested.	
3	10	Material Objected to: Pederson Decl. ¶ 15, line 16.	Sustained: _____
4		Statement that clothing and blankets were contaminated is inadmissible because nothing in the report or photographs indicate what the clothing and blankets were allegedly contaminated with or why WPD officers believed them to be contaminated.	Overruled: _____
5		Grounds for Objection: Fed. R. Evid. 602 (speculation, lack of foundation, lack of personal knowledge).	
6	11	Material Objected to: Pederson Decl. ¶ 16, lines 23-26.	Sustained: _____
7		Statements that Watershed Division identified items as belonging to Salvador Roque are inadmissible as lacking personal knowledge, lacking foundation, and speculation. Nothing in Exhibit 8, besides inadmissible hearsay, provides evidence that said property belongs to Mr. Roque.	Overruled: _____
8		Grounds for Objection: Fed. R. Evid. 602 (speculation, lack of foundation, lack of	

personal knowledge).

OBJECTIONS TO EXHIBIT 5

	Objections to Exhibit 5	Ruling
1	<p>Material Objected to: Pederson Decl. ¶ 11, lines 7-17; Exhibit 5 Health Hazard Assessment Reports for 12/15/2015.</p> <p>Grounds for Objection: Fed. R. Evid. 801, 802 (inadmissible hearsay). The Records of a Regularly Conducted Activity exception under Fed. R. Evid. 803 is not satisfied because there is no evidence (outside of what is written on the reports themselves) that the records were made <i>at or near the time</i> by or from information transmitted by someone with knowledge.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO EXHIBIT 6

	Objections to Exhibit 6	Ruling
1	<p>Material Objected to: Pederson Decl. ¶ 11, lines 7-17; Exhibit 6 – Health Hazard Assessment Reports for 12/24/2015.</p> <p>Grounds for Objection: Fed. R. Evid. 801, 802 (inadmissible hearsay). The Records of a Regularly Conducted Activity exception under Fed. R. Evid. 803 is not satisfied because there is no evidence (outside of what is written on the reports themselves) that the records were made <i>at or near the time</i> by or from information transmitted by someone with knowledge.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

2	<p>Material Objected to: Exhibit 6 Health Hazard Assessment Operation Report, p.1.</p> <p>Statement that a “guy” was asked if that was all the property he needed and he answered affirmatively.</p> <p>Grounds for Objection: Fed. R. Evid. 801, 802 (inadmissible hearsay).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
3	<p>Material Objected to: Exhibit 6 Health Hazard Assessment Operation Report, p.8.</p> <p>Statement that Lt. Mathes requested a different location (526 S. Crocker St.) to be dealt with after this cleanup location, that two encampments at that location blocked the sidewalk, and statements about Mr. Watkins and Ms. Sanford and what they were arrested for, are inadmissible.</p> <p>Grounds for Objection: Fed. R. Evid. 402, 403 (irrelevant).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
4	<p>Material Objected to: Exhibit 6 Health Hazard Assessment Operation Report, pp. 9-12.</p> <p>Photos of the cleanup of the encampment on 526 S. Crocker St., another location that was attended to after the incident concerning Mr. Escobedo, are inadmissible.</p> <p>Grounds for Objection: Fed. R. Evid. 402, 403 (irrelevant).</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
5	<p>Material Objected to: Exhibit 6 Health Hazard Assessment Operation Report, p.12.</p> <p>All statements relating to cleanup of the encampment on 526 S. Crocker St., another location that was attended to after the incident</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

concerning Mr. Escobedo, and what property was taken, are inadmissible.

Grounds for Objection: Fed. R. Evid. 402, 403 (irrelevant).

OBJECTIONS TO EXHIBIT 7

	Objections to Exhibit 7	Ruling
1	<p>Material Objected to: Pederson Decl. ¶ 11, lines 7-17; Exhibit 7 – Health Hazard Assessment Reports for 2/12/2016.</p> <p>Grounds for Objection: Fed. R. Evid. 801, 802 (inadmissible hearsay). The Records of a Regularly Conducted Activity exception under Fed. R. Evid. 803 is not satisfied because there is no evidence (outside of what is written on the reports themselves) that the records were made <i>at or near the time</i> by or from information transmitted by someone with knowledge.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

OBJECTIONS TO EXHIBIT 8

	Objections to Exhibit 8	Ruling
1	<p>Material Objected to: Pederson Decl. ¶ 11, lines 7-17; Exhibit 8 – Health Hazard Assessment Reports for 2/23/2016.</p> <p>Grounds for Objection: Fed. R. Evid. 801, 802 (inadmissible hearsay). The Records of a Regularly Conducted Activity exception under Fed. R. Evid. 803 is not satisfied because there is no evidence (outside of what is written on the reports themselves) that the records were</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

1	made <i>at or near the time</i> by or from	
2	information transmitted by someone with	
3	knowledge.	
4	2 Material Objected to: Exhibit 8, p. 1.	Sustained: _____
5	Statement that Sgt. Jack Richter informed	Overruled: _____
6	WPD that 2nd location 3 feet away also	
7	belonged to Roque is inadmissible hearsay.	
8	Grounds for Objection: Fed. R. Evid. 801,	
9	802 (inadmissible hearsay).	

10 Dated: April 8, 2016

Respectfully submitted,

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12 LAW OFFICE OF CAROL A. SOBEL
13 LEGAL AID FOUNDATION OF LOS
14 ANGELES
15 SCHONBRUN SEPLOW HARRIS &
HOFFMAN, LLP

16 /s/ Carol A. Sobel
17 By: CAROL A. SOBEL
18 Attorneys for Plaintiffs
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